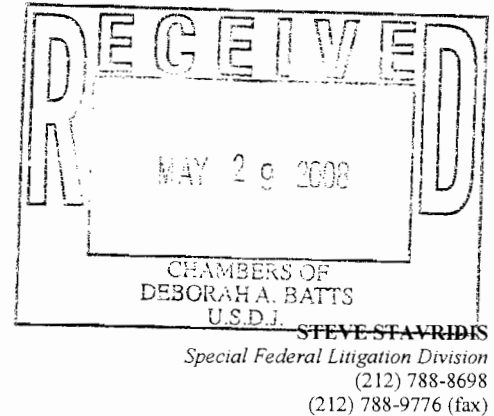


THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007



MICHAEL A. CARDOZO
Corporation Counsel

May 28, 2008

BY HAND

The Honorable Deborah A. Batts
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Parris Dezuse v. The City of New York, et al., 08 CV 4234 (DAB)(CRLE)(AM)(DCF)

Your Honor:

I am the attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendants The City of New York and Commissioner Martin F. Horn in the referenced action.¹ I am writing to respectfully request an extension of the City's time to answer or otherwise respond to the complaint from May 27, 2008 to July 28, 2008. I have contacted my adversary about this request and he consents to the extension.

There are several reasons for seeking the extension. In this civil rights action, plaintiff alleges, among other things, that while incarcerated at Rikers Island, he was physically assaulted by other inmates in the presence of correction officers, who failed to intervene or otherwise stop the assault. In order to respond to these allegations, this office needs time to obtain Department of Correction records of plaintiff's incarceration at the Rikers facility, as well as the medical records from the facilities where plaintiff was allegedly treated for his claimed injuries.

Additionally, upon information and belief, the individually named defendants have not been served with process yet. Assuming they are timely served, the extension will afford this office time to determine whether it could represent the officers in this case. See General


¹ Upon information and belief, the remaining defendants, Correction Officers Dion, Walker and Masson have not been served with process as of this date.

Municipal Law § 50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law). The individual defendants must then agree to be represented by this office, see Dunton v. County of Suffolk, 729 F.2d 903 (2d Cir. 1984), and sign a representational consent form. Only then can this office interview the officers concerning plaintiff's complaint and file an answer on their behalf.

No previous requests for an extension have been made by either party. An initial conference has not been scheduled yet and so this extension will not affect any other scheduled dates. Accordingly, it is respectfully requested that the Court grant the instant application to extending defendants time to answer the complaint to July 28, 2008.

Respectfully submitted,


Steve Stavridis
Special Federal Litigation Division

SO ORDERED

DEBORAH A. BATTS
UNITED STATES DISTRICT JUDGE

cc: Michael O. Hueston, Esq. (By Email: mhueston@nyc.rr.com)
Attorney for Plaintiff